

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: <u>4/1/2021</u>

EMILY PENZO,

Plaintiff,

-against-

CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC.,

Defendant.

1:19-cv-07478-MKV

NOTICE OF POST-DISCOVERY  
CONFERENCE

MARY KAY VYSKOCIL, United States District Judge:

The Court has received letter from the parties dated March 26, 2021, and March 29, 2021, regarding deadlines for pre-motion submissions in connection with Defendant's anticipated motion for summary judgment. [ECF Nos. 58–59.]

The Court directs counsel for all parties to appear at a Post-Discovery Conference on **June 8, 2021, at 10:30 AM**. The conference will be held telephonically. To join the conference, dial 888-278-0296 and enter access code 5195844.

On or before **May 18, 2021**, the parties shall submit a joint letter regarding the status of the case. The letter should include the following information in separate paragraphs:

- a. a statement of any existing deadlines, due dates, and/or cut-off dates;
- b. a brief description of any outstanding motions;
- c. a brief description of the discovery undertaken and if either party believes any additional discovery needs to be completed;
- d. a statement describing the status of any settlement discussions and whether the parties would like a settlement conference;
- e. a statement of the anticipated length of trial and whether the case is to be tried to a jury;
- f. a statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony (see Individual Practice Rules ¶4(A)(i));
- g. any other issue that the parties would like to address at the conference; and
- h. any other information that the parties believe may assist the Court in advancing the case to settlement or trial.

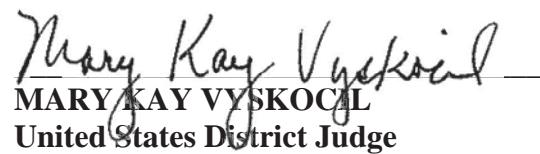
If either or both of the Parties anticipate filing a motion for summary judgment, that Party's pre-motion letter in anticipation of the motion, accompanied by a Rule 56.1 Statement as required by the Court's Individual Practices, must be filed by **May 18, 2021**. The non-moving party must submit a response, along with a Rule 56.1 Counter-Statement, by **May 28, 2021**. If both Parties intend to move for summary judgment, they should coordinate their letters and Rule 56.1 statements to ensure only one complete set is filed (*i.e.* two letters, one 56.1 statement, and one 56.1 counterstatement). This may require the Parties to simultaneously file the documents on the same day.

If no summary judgment motion is anticipated, the post-discovery conference will serve as a pre-trial conference. Parties should be prepared to discuss scheduling of trial and all pre-trial matters.

Any application to modify or extend the dates herein shall be made in a written application in accordance with paragraph 2(G) of the Court's Individual Practice Rules and shall be made no less than three (3) days prior to the expiration of the date sought to be extended. Failure to comply with the deadlines set forth herein may result in sanctions.

**SO ORDERED.**

**Date:** April 1, 2021  
New York, NY

  
MARY KAY VYSKOCIL  
United States District Judge